

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN SECTION

DOCKET NO.:

JAMES ORIOLES,
PLAINTIFF
V.
MASSMUTUAL FINANCIAL GROUP,
MARK VIVIANO AND MATT SCANLON,
DEFENDANTS

NOTICE OF REMOVAL

TO: HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Defendants MassMutual Financial Group (misnamed), Mark Viviano and Matt Scanlon (misnamed) hereby state:

1. Pursuant to the provisions of Title 28 U.S.C. §1441 *et seq.*, defendants seek removal of this action from the Superior Court of Massachusetts, Hampden Division, to this Court.
2. On December 2, 2010, an action was commenced in the Hampden County Superior Court entitled *James Orioles, Plaintiff vs. MassMutual Financial Group, Mark Viviano and Matt Scanlon, Defendants*, Docket number HDCV2010-01084-A.
3. A copy of all process, pleadings and orders served upon defendants in the state court action are attached hereto as Exhibit A.
4. The attached summons in this case is dated December 10, 2010. Defendant MassMutual Financial Group was served with the summons on December 10, 2010. This Notice is, therefore, timely.

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by defendants pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because, as set forth in the attached Civil Action Cover Sheet, plaintiff claims damages of \$300,000.
6. As set forth in the attached complaint, plaintiff was a resident of Connecticut at the time the action was filed.
7. As is alleged in the complaint, plaintiff's former employer, although misnamed in the complaint as defendant "MassMutual Financial Group,"¹ is and at the time the action was filed was a Massachusetts corporation with a principal place of business at 1295 State Street, Springfield, Massachusetts.
8. Defendant Mark Viviano is and at the time the action was filed was a resident of Wilbraham, Hampden County, Massachusetts.
9. Defendant Matt Scanlon² is and at the time the action was filed was a resident of Holyoke, Hampden County, Massachusetts.
10. Concurrent with the filing of this Notice of Removal, defendants are serving this Notice of Removal upon plaintiff and filing a copy of the Notice of Removal with the Clerk of the Superior Court of Massachusetts, Hampden Division.
11. Removal is hereby effected without waiver of any challenges that defendants may have to personal jurisdiction, proper service of process, proper venue or otherwise.

¹ The correct name of plaintiff's former employer is MML Investors Services, LLC.

² This defendant is also misnamed in the complaint. His correct name is Matthew Scanlin.

RESPECTFULLY SUBMITTED,
DEFENDANTS

By: /s/ Edward J. McDonough Jr.
Edward J. McDonough Jr., BBO #331590
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CERTIFICATE OF SERVICE

I, Edward J. McDonough Jr., Esq., hereby certify that on this 6th day of January, 2011, I have caused the aforementioned document to be served on all parties to this action by mailing a copy of same first-class mail, postage prepaid to:

Jeffrey R. Mazer, Esq., BBO#647110
Mazer Law Group, LLC
220 Broadway, Suite 205
Lynnfield, MA 01940

/s/ Edward J. McDonough Jr.
Edward J. McDonough Jr.